

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, APRIL 5, 2010**

A Regular Meeting of the Deltona City Commission was held on Monday, April 5, 2010 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Mulder.

2. ROLL CALL:

Mayor	Dennis Mulder	Present
Vice Mayor	Michele McFall-Conte	Present (via phone)
Commissioner	Michael Carmolingo	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Janet Deyette	Present
Commissioner	Paul Treusch	Present
Commissioner	Herb Zischkau	Present
City Manager	Faith G. Miller	Present
City Attorney	Gary J. Cooney	Present
City Clerk	Joyce Kent	Present

Also present: Planning & Development Services Director Chris Bowley; Building & Zoning Services Director Cy Butts; Deputy City Manager Dave Denny; Parks & Recreation Director Steve Moore; Information Technologies Director Steve Narvaez; Deputy Fire Chief Rogers; Fire Chief Robert Staples; and Public Works Director Glenn Whitcomb.

3. SILENT INVOCATION AND PLEDGE TO THE FLAG:

Mayor Mulder led the audience in the silent invocation and the Pledge of Allegiance to the Flag.

Ashley Robinson with Galaxy Middle School sang the National Anthem.

4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

1. Regular City Commission Meeting – March 15, 2010.

Motion by Commissioner Denizac, seconded by Commissioner Deyette to adopt the minutes of the Regular City Commission Meeting of March 15, 2010 as presented.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

B. Additions or Deletions to Agenda.

Mayor Mulder asked that Item 5-H be moved to the end of the agenda as Item 10-E.

Motion by Commissioner Carmolingo, seconded by Commissioner Deyette to move Item 5-H to the end of the agenda as Item 10-E.

Commissioner Zischkau asked if the item was an emergency or if the item could wait until the next Regular City Commission Meeting and he reminded Mayor Mulder of his 2005 campaign promise regarding add-on items. Mayor Mulder replied he would not say the item is an emergency and that he was not asking the Commission to vote on anything.

Motion carried with members voting as follows:

Commissioner Carmolingo	For
Commissioner Denizac	For
Commissioner Deyette	For
Commissioner Treusch	For
Commissioner Zischkau	Against
Vice Mayor McFall-Conte	For
Mayor Mulder	For

5. PRESENTATIONS/AWARDS/REPORTS:

A. Presentation – Superstar Students of the Month – March, 2010.

Mayor Mulder presented Superstar Students of the Month for March, 2010 to Richard Egan, 2nd grade at Timbercrest Elementary School; and Gabriella Mannuzza, 5th grade at Deltona Lakes Elementary School.

B. Proclamation – Arbor Day – April 30, 2010.

Mayor Mulder read the Proclamation into the record and presented it the Parks & Recreation Director Steve Moore declaring Friday, April 30, 2010 as “Arbor Day” in the City of Deltona and urged all citizens to celebrate Arbor Day, support all efforts to protect our trees and woodlands, to plant trees to gladden the heart and promote the well-being of our community for future generations.

C. Proclamation - National Volunteer Appreciation Week – April 18 - 24, 2010.

Mayor Mulder read the Proclamation into the record and presented it to the Parks & Recreation’s Citizens Accessibility Advisory Board declaring National Volunteer Appreciation Week as April 18 - 24, 2010 to celebrate the many volunteers who offer their time and services to help create a better life in Deltona.

D. Proclamation – National Public Works Week – May 16 – 22, 2010.

1 Mayor Mulder read the Proclamation into the record and presented it to the Public Works Director
2 Glenn Whitcomb declaring National Public Works Week as May 16 – 22, 2010 and to call upon all
3 citizens and civic organizations to acquaint themselves with the issues involved in providing our
4 Public Works and to recognize the contributions which Public Works Officials make every day to our
5 health, safety, comfort, and quality of life.

6
7 **E. Proclamations - National Public Safety Telecommunications Week – April 11 - 17, 2010.**
8

9 Mayor Mulder read the Proclamation into the record and presented it to Fire Chief Robert Staples
10 in recognition of National Public Safety Telecommunications Week to express appreciation for all
11 Telecommunicators and the excellent work they do for the citizens of Deltona.

12
13 **F. Presentation – Deltona Fire Department Telecommunicator of the Year.**
14

15 Mayor Mulder and Fire Chief Staples presented the Deltona Fire Department Telecommunicator
16 of the Year to Jessica Gagner and Fred Gilbert for actions demonstrating outstanding performance
17 in all areas of their job duties. The award is given each year during National Telecommunications
18 Week, commonly in the month of April and this year the award is being presented to two (2)
19 employees.

20
21 **G. Presentation – Deltona Fire Department’s Rookie of the Year Award.**
22

23 Mayor Mulder and Fire Chief Staples presented the Deltona Fire Department’s Rookie of the Year
24 Award to Eddie Nieto for The Rookie of the Year Award for being chosen from the newest
25 members during his first full year of service with the Deltona Fire Department. The award is based
26 on dedication, work ethic, attitude, and may other values that are important for a Firefighter to
27 posses.

28
29 **H. Presentation – Deltona Fire Department Employee of the Year.**
30

31 Mayor Mulder and Fire Chief Staples presented Deltona Fire Department Employee of the Year
32 Award to Deputy Fire Chief Robert Rogers which is generally awarded to a non-firefighter and
33 has contributed to the overall success of the department during the calendar year. Deputy Chief
34 Rogers’ name will be provided to the City for inclusion in any citywide award consideration.

35
36 Commissioner Denizac thanked Steve Moore, Gloria Micelli and the Citizens Accessibility
37 Advisory Board who are an inspiration to everyone and she would never take them for granted.
38 She stated she admires the work that they do unselfishly for others and many times with sacrifice.

39
40 **6. PUBLIC FORUM – Citizen comments for items not on the agenda.**
41

42 a) Denise Fierro and Ryan Rinaldo, 293 Hazeltine Drive, invited everyone to attend the Deltona High
43 School SGA First Annual Community Showcase on Wednesday starting at 5:00 p.m. which will
44 have entertainment and over 45 organizations in attendance.

45
46 b) Steve Campbell, 1522 Gainesville Drive, spoke regarding installing a fence as a buffer between his
47 home and the Deltona Fire Station located on Providence Blvd. to eliminate the noise.

c) Dan Dudley, 1089 Peachtree Road, spoke regarding the expansion of Saxon Blvd., the removal of pear trees which he would like restored and the look of the Sterling Park Retirement entrance.

d) James and Elsie Fly, 740 Enterprise Osteen Road, spoke regarding being threatened by residents debris accumulated on neighboring property and residence on Buckeye Acres Drive.

Commissioner Carmolingo apologized to the couple whose resident he personally visited and he stated he would work with the City Manager and the Volusia County Sheriff's Office to try to resolve the issues.

e) Pat Northey, 2310 Carson Lane, updated the Commission on the Volusia County road projects.

f) Larry DeMatteo, 2501 Barry Drive, spoke regarding the sign at the Deltona Library Amphitheater Project including the City of Deltona and wasteful spending.

g) Michael E. Williams, 2889 Cottageville Street, spoke regarding the Neighborhood Stabilization Program, the naming of a street after Martin Luther King and his meeting with the City Attorney.

7. CONSENT AGENDA:

Mayor Mulder asked Vice Mayor McFall-Conte if she would like to pull any of the items from the Consent Agenda and she replied no.

Commissioner Zischkau asked to pull Items 7-C, 7-J and 7-M from the Consent Agenda.

Motion by Commissioner Denizac, seconded by Commissioner Carmolingo to approve Consent Items 7-A, 7-B, 7-D through 7-I, 7-K and 7-L.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

***A. Request for approval to Piggyback the GSA Schedule 70 Contract to Purchase an HP Storage System from Synnex Corporation.**

Approved by Consent Agenda - to approve the purchase of the Hewlett Packard Storage System from Synnex Corporation at a total cost of \$34,900.00.

***B. Request approval of Award of Bid #10009 Normandy Boulevard 1 MG Ground Storage Tank.**

Approved by Consent Agenda - to approve award of Bid #10009 for the Normandy 1 MG Ground Storage Tank to Sawcross, Inc. at a total cost of \$1,409,000.

C. Request for approval to piggyback the City of Orlando's agreement with Reynolds Inliner for sewer line rehabilitation, cleaning and video - Deltona Water.

Commissioner Zischkau asked why the special video system purchased last year could not be used since the City has already incurred the expense. Mr. Denny replied once the liner is in place the vendor's equipment has the capability of being able to mark exactly where holes should be cut out of the liner where the sewer service lines from individual homes are coming in and the vendor has the responsibility for the holes being cut where they should be. He stated the City's video equipment only verifies if there are or are not any issues with the lines and is used for preventative maintenance on the underground system.

Motion by Commissioner Denizac, seconded by Commissioner Carmolingo to approve the use of the City of Orlando contract #BI09-2570 with Reynolds Inliner, for the rehabilitation of drainage pipes for an initial period through September 30, 2010 and renewing annually if funding is appropriated for each renewal period in accordance with the City of Orlando contract.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

***D. Request approval of 2010 Facility Use Agreement with Warriors in Christ Outreach Ministry for use of Harris Saxon Community Center.**

Approved by Consent Agenda - to approve the Long Term Facility Use Agreement with Warriors in Christ Outreach Ministries for use of the conference room at the Harris M. Saxon Park facility for a period of one (1) year, effective April 5, 2010, with the option for a total of three (3) one-year renewals upon written agreement of both parties.

***E. Request approval of the 2010 Facility Use Agreement with Sound Doctrine Ministries at the Deltona Community Center.**

Approved by Consent Agenda - to approve the Long Term Facility Use Agreement with Sound Doctrine Ministries for use of the school house at the Deltona Community Center facility for a period of one (1) year, effective April 5, 2010, with the option for a total of three (3) one-year renewals upon written agreement of both parties.

***F. Request approval of the 2010 Facility Use Agreement with Power in Praise Ministries, Inc. for use of the Harris Saxon Community Center.**

Approved by Consent Agenda - to approve the Long Term Facility Use Agreement with Power in Praise Ministries, Inc. for use of the Main Hall and Conference Room at the Harris M. Saxon Park facility for a period of one (1) year, effective April 5, 2010, with the option for a total of three (3) one-year renewals upon written agreement of both parties.

***G. Request approval of 2010 Facility Use Agreement with New Beginnings House of Worship for use of the Craft Building at the Deltona Community Center.**

Approved by Consent Agenda - to approve the Long Term Facility Use Agreement with New

1 **Beginnings House of Worship for use of the Craft Building at the Deltona Community Center**
2 **facility for a period of one (1) year, effective April 5, 2010, with the option for a total of three (3)**
3 **one-year renewals upon written agreement of both parties.**

4
5 ***H. Request approval of the 2010 Facility Use Agreement for La Iglesia del Senor, Inc., for**
6 **use of the Deltona Community Center.**

7
8 **Approved by Consent Agenda - to approve the Long Term Facility Use Agreement with La**
9 **Iglesia del Senor, Inc. for use of the Main Hall and Kelso Room at the Deltona Community**
10 **Center facility for a period of one (1) year, effective April 5, 2010, with the option for a total of**
11 **three (3) one-year renewals upon written agreement of both parties.**

12
13 ***I. Request approval of 2010 Facility Use Agreement with Word of Faith Church Center**
14 **for all Mankind at the Lakeshore Community Center.**

15
16 **Approved by Consent Agenda - to approve the Long Term Facility Use Agreement with Word**
17 **of Faith Church Center for all Mankind for use of the Craft Building at the Deltona**
18 **Community Center for a period of one (1) year, effective April 5, 2010, with the option for a**
19 **total of three (3) one-year renewals upon written agreement of both parties.**

20
21 **J. Request for approval of a Concession Agreement with Pepe's N.Y. Pizzeria at Dupont**
22 **Lakes Park.**

23
24 **Commissioner Zischkau stated the City is being asked to contract with a for-profit company to run**
25 **the concession stand and he asked who the most recent concessionaries were. Mr. Moore replied he**
26 **did not know but, there had not been anyone for the last two (2) years. He stated the item went out to**
27 **bid which received no response so staff got involved and went out to the business community looking**
28 **for someone who would be interested in running the concession.**

29
30 **Commissioner Zischkau asked if the baseball teams that play at Dupont Lakes Park showed any**
31 **interest in running the concession and Mr. Moore replied he did talk to them but, that they were not**
32 **interested.**

33
34 **Motion by Commissioner Carmolingo, seconded by Commissioner Deyette to approve the**
35 **award of Concession Agreement with Pepe's NY Pizzeria for use of the concession stand at**
36 **the Dupont Lakes Park facility for a period of one (1) year, with the option to renew for an**
37 **additional three (3) one-year terms, upon agreement by both parties.**

38
39 **Motion carried with members voting as follows: Commissioner Carmolingo, For;**
40 **Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For;**
41 **Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.**

42
43 ***K. Requests for approval to Piggyback the School Board of Seminole County Bid for**
44 **Fencing for Harris M. Saxon Park.**

1 **Approved by Consent Agenda - to approve the piggybacking of the School Board of**
2 **Seminole County Bid to make award to All-Rite Fence Company at a total cost of \$36,344.18**
3 **for the fencing for Harris Saxon Park.**

4
5 ***L. Request for approval of Award of Bid#10001-Wes Crile Gym Floor Replacement.**

6
7 **Approved by Consent Agenda - to approve award of Bid #10001 for the replacement of Wes**
8 **Crile Gymnasium Floor to SSE & Associates, Inc. at a total cost of \$37,675.00.**
9

10 **M. Request for Fee Waiver – Deltona Lodge 756 – 5K Scholarship fundraiser for**
11 **graduating high school students in Deltona.**
12

13 Commissioner Zischkau asked if the City had received a hold harmless agreement from the
14 organization. Mr. Moore replied the City had received a Certificate of Liability with the City as
15 the additional insurer but, that he was not sure who the insured company was. Commissioner
16 Zischkau stated he did some research and he could not find any legal entity registered in Florida
17 with the name “Deltona Lodge No. 756”; there was no Perry Davis’ in Deltona or Deland; and the
18 street address of 631 Merrimac Street is not in the name of Perry Davis. He stated at a minimum
19 the City needs to know who it is contracting with and he asked the City Attorney if he had seen
20 any indication that there was any legal basis for Deltona Lodge No. 756 and Mr. Cooney replied
21 “have not, no”. Commissioner Zischkau suggested tabling the item to the next Regular City
22 Commission Meeting until there is a legal entity to do business with.
23

24 Mayor Mulder asked if Mr. Moore had met the organization and Mr. Moore replied yes, the
25 Commission approved the same request for this organization last year. Mr. Moore stated the
26 organization is under another affiliation out of Jacksonville.
27

28 **Motion by Commissioner Zischkau, seconded by Commissioner Denizac to table the item to**
29 **the next meeting.**
30

31 **Motion carried with members voting as follows: Commissioner Carmolingo, For;**
32 **Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For;**
33 **Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.**
34

35 **8. ORDINANCES AND PUBLIC HEARINGS:**
36

37 **A. Public Hearing – Request for approval of a Final Site Plan and Development Order to**
38 **allow for the construction of a ±9,200 SF Family Dollar store located at the southeast corner of**
39 **Doyle Road and Braddock Road; specifically located at 951 Doyle Road. Applicant: McVay-**
40 **Wood Engineering, LLC (Project No. FSP09-006) (tabled March 15, 2010).**
41

42 The public hearing was opened.
43

44 Kevin Finn, 107 Claymore, spoke against the Final Site Plan and Development Order. Commissioner
45 Zischkau asked when the Final Site Plan was submitted for approval how many parking spaces were
46 there supposed to be and Mr. Finn replied “41”. Commissioner Zischkau asked what Mr. Finn’s
47 objections were to this item and Mr. Finn replied that the proposed entrance off of Braddock Road

1 onto the property was planned for is used as a u-turn for those people who do a legal right turn out of
2 the Publix parking lot and make a legal left onto Braddock Road. Mr. Finn stated allowing a main
3 commercial entrance to a business off a residential street is against the City's Code.

4
5 Ed Sullivan, 165 Oaklea Drive, spoke against the Final Site Plan and Development Order.
6 Commissioner Zischkau asked if there is anything in his training that would qualify him as an expert
7 witness and Mr. Sullivan replied he has been in the construction industry for over 15 years as a
8 Project Manager and Designer.

9
10 Cindy Sullivan, 165 Oaklea Drive, spoke against the Final Site Plan and Development Order.

11
12 Laurie Cole, 864 Braddock Road, spoke against the Final Site Plan and Development Order.

13
14 Tony Cole, 864 Braddock Road, spoke against the Final Site Plan and Development Order.

15
16 Douglas DeLeon, 991 Doyle Road, spoke against the Final Site Plan and Development Order.

17
18 Brian Royle, 2516 Weatherford Drive, spoke against the Final Site Plan and Development Order.

19
20 The public hearing was closed.

21
22 Mark Watts, Cobb & Cole, 351 E. New York Avenue, Deland, stated he is representing the owner of
23 the property and he spoke regarding comments made, the staff recommendation, the Final Site Plan
24 and how it complies with all the standards of the City's Code. He stated the property is zoned C-1
25 and the use being proposed under that zoning is a principle permitted use. He stated the staff report
26 and back-up documents show that the project meets the City's requirements of the Land
27 Development Code. He stated there is a report from the County traffic department indicating that
28 access to the property is acceptable and the level of service is Level "D" which is not a failing road
29 and it does provide sufficient capacity for the site. He stated the County's staff did not require a
30 Traffic Impact Analysis (TIA) because it complies with the City's and the County's standards for
31 access and safety. He stated the Volusia County Sheriff's Office (VCSO) reported that between
32 January, 2008 and December, 2009 there had not been any accidents during that time at Braddock
33 Road. He stated the site plan that reflects a 34 foot buffer on the east and south and a 25 foot buffer
34 to the north is what is before the Commission and he explained the buffer areas in detail.

35
36 Commissioner Zischkau asked if the City was asked to waive any of the requirements of the City's
37 Code for the C-1 zoning and Mr. Watts replied the site plan had one (1) waiver that was not requested
38 of the Commission.

39
40 Dennis Wood, the Engineer of Record with McKay-Woods Engineering, LLC., stated there is
41 room at both ends of the parking lot for cars, commercial vehicles and fire vehicles to turn around
42 within the parking lot without coming out onto the right-of-way. He stated the traffic is 44 trips
43 which means 22 trips entering and 22 trips exiting. He stated a traffic count for this location and a
44 capacity analysis both indicated an appropriate level of service and no traffic would back up onto
45 Providence Blvd. or Doyle Road.

46
47 Vice Mayor McFall-Conte asked what time of day the traffic study was done and Mr. Wood replied

1 between the hours of 4:00 p.m. and 6:00 p.m.

2
3 Commissioner Denizac asked if the application was consistent with the City's Comprehensive Plan
4 and the City's Code and Mr. Bowley replied yes.

5
6 Commissioner Denizac asked if there were any issues with stormwater management and Mr. Bowley
7 replied yes but, proper stormwater facilities on the site have been provided.

8
9 Commissioner Denizac asked if there is anything that could be detrimental, illegal or not complying
10 with the City's requirements and Mr. Bowley replied no.

11
12 Commissioner Zischkau asked if apart from the approval or denial if there was anything that had been
13 done or can be done to try to make the Publix entrance safer and Mr. Bowley replied no, there is a
14 corridor issue. Commissioner Zischkau stated that he did not think the Commission could deny the
15 application based on a dangerous situation that is outside of their property and if the owner complies
16 with the C-1 zoning requirements the Commission had a duty to approve the application.

17
18 Commissioner Carmolingo asked if the applicant had met all requirements and if the property is
19 zoned C-1 and Mr. Bowley replied yes. Commissioner Carmolingo asked if the Final Site Plan is
20 denied would the City be opening itself up to a lawsuit and Mr. Cooney replied if the applicant thinks
21 the Commission is incorrect there is always the chance of a lawsuit.

22
23 Mayor Mulder asked if the enforcement official's discretion binds the Commission on the site plan or
24 can the Commission use its discretion in looking at the Code in regards to the buffer. Mr. Cooney
25 replied the Code states that Mr. Bowley, as the appropriate official, has the ability to waive a portion
26 of the Code which he had and the Commission would have to live with that decision. Mayor Mulder
27 asked how to weigh that in balance against the portion of the same Code that speaks to buffer
28 requirements. Mr. Bowley replied it is more than just waiving a requirement, it had to be for rational
29 nexis and the only reason he agreed to the waiver was because it made for a safer site for internal
30 circulation especially for oversized vehicles for emergency purposes.

31
32 Commissioner Deyette asked if the Doyle Road improvements are to the west and Mr. Bowley
33 replied correct. Commissioner Deyette stated she thinks there have not been any accidents because
34 this use has not been added to it yet and the City should take safety into consideration to make a safer
35 decision.

36
37 Commissioner Treusch stated he had a problem with the traffic study and he agreed with the Planning
38 and Zoning Advisory Board who denied the application.

39
40 **Motion by Commissioner Deyette, seconded by Commissioner Treusch to DENY the Final**
41 **Site Plan and Development Order.**

42
43 **Motion carried with members voting as follows:**

44
45 **Commissioner Carmolingo For**
46 **Commissioner Denizac Against**
47 **Commissioner Deyette For**

Commissioner Treusch	For
Commissioner Zischkau	Against
Vice Mayor McFall-Conte	For
Mayor Mulder	For

Mayor Mulder called a 10 minute recess at 9:04 p.m. and called the meeting to order at 9:44 p.m.

9. OLD BUSINESS:

A. Request to Certify Engineering Firms as Qualified to Perform Transportation Engineering Services as needed under Continuing Contract.

Motion by Commissioner Zischkau, seconded by Commissioner Denizac to certify, Kimley Horn & Associates, Inc., DRMP, Inc., and GMB Engineering and Planners as qualified to perform Transportation Engineering Services for the City and to put them on a Continuing Service list to render these services as needed within the guidelines of F.S. 287.055, and to observe a sequential rotation among these firms unless City staff records written findings justifying hiring a firm out of turn.

Mayor Mulder stated he is concerned regarding creating a record which is not done currently. Mr. Cooney stated this can be done but, typically the City would be going to an engineering firm for their expertise.

Commissioner Carmolingo stated he had complete faith in staff to make the right decision and he does not think that staff would do anything that was not for the good of the City.

Commissioner Denizac stated she would like to say that staff would have the flexibility of choosing the firms.

Commissioner Treusch stated he thinks this adds another level of bureaucracy to the system and he suggested streamlining the process.

Mayor Mulder asked if it was right to say that the department head in question would go to the City Manager to explain why they want to use a particular firm and the vendors are rotated. Mr. Denny stated the City has continuing contracts with at least three (3) engineering firms but, staff could do what is being asked if it is the direction of the Commission.

Commissioner Deyette stated this is bordering on micromanaging and she would rather direct staff to let the Commission know why staff was choosing certain firms.

Vice Mayor McFall-Conte stated staff does this already unofficially.

Motion failed with members voting as follows:

Commissioner Carmolingo	Against
Commissioner Denizac	For
Commissioner Deyette	Against

Commissioner Treusch	Against
Commissioner Zischkau	For
Vice Mayor McFall-Conte	Against
Mayor Mulder	Against

Motion by Commissioner Deyette, seconded by Commissioner Denizac to certify, Kimley Horn & Associates, Inc., DRMP, Inc., and GMB Engineering and Planners as qualified to perform Transportation Engineering Services for the City and to put them on a Continuing Service list to render these services as needed within the guidelines of F.S. 287.055

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

10. NEW BUSINESS:

A. Resolution No. 2010-04, adopting the 2010 Volusia County Local Mitigation Strategy as approved by the Florida Division of Emergency Management and FEMA.

Motion by Commissioner Denizac, seconded by Commissioner Carmolingo to adopt Resolution No. 2010-04 adopting the 2010 Volusia County Local Mitigation Strategy as approved by the Florida Division of Emergency Management and FEMA.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, RELATING TO THE ADOPTION OF THE VOLUSIA COUNTY LOCAL MITIGATION STRATEGY; ADOPTING THE VOLUSIA COUNTY LOCAL MITIGATION STRATEGY PURSUANT TO SECTION 322 "MITIGATION PLANNING" OF THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

B. Resolution No. 2010-05, Amending the Local Housing Assistance Plan (LHAP) as required by the State Housing Initiatives Partnership Act and Rule 67-37, Florida Administrative Code and Providing for the Plan Years of 2010/2011, 2011/2012 and 2012/2013.

Motion by Commissioner Carmolingo, seconded by Commissioner Deyette to approve the summary of SHIP Fund changes resulting from Senate Bill 360, which include Green/Innovation Design and Special Housing Needs, as well as the approval of the new LHAP for Program Years 2011-2013.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, AMENDING THE LOCAL ASSISTANCE PLAN AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP ACT AND RULE 67-37, FLORIDA

1 **ADMINISTRATIVE CODE; PROVIDING FOR THE PLAN YEARS OF 2010-2011, 2011-**
2 **2012 AND 2012-2013; PROVIDING FOR GREEN TECHNIQUES; PROVIDING FOR**
3 **PERSONS WITH SPECIAL HOUSING NEEDS; AUTHORIZING THE SUBMISSION OF**
4 **THE LOCAL HOUSING ASSISTANCE PLAN FOR REVIEW AND APPROVAL BY THE**
5 **FLORIDA HOUSING FINANCE CORPORATION; AUTHORIZING AND DIRECTING**
6 **THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS AND**
7 **CERTIFICATIONS NEEDED BY THE STATE; PROVIDING FOR AN EFFECTIVE**
8 **DATE.**

9
10 **Motion carried with members voting as follows: Commissioner Carmolingo, For;**
11 **Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For;**
12 **Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.**

13
14 **C. Discussion re: the purchase of Backdrop Netting for DuPont Lakes Park Softball**
15 **Field.**

16
17 Ms. Miller stated on January 19th the Commission directed staff to look into whether to go out to
18 bid to provide the materials for the backdrop netting and to look at the possibility of a special
19 assessment. She stated this item is for the cost of the backdrop netting which is not a budgeted
20 item at this time.

21
22 Commissioner Denizac stated the netting is a lot of money and it only serves a small amount of
23 people which equals approximately \$500 per player. She suggested waiting until the next budget
24 cycle to see if it can be included.

25
26 Commissioner Carmolingo stated the 75 players who play at DuPont Lakes Park are quality
27 residents and most of them are Veterans. He stated the players use the field all summer and part of
28 the winter and he would not let the players go without the netting. He stated Wendy's would not
29 attempt to help the City with any of the funding for the netting.

30
31 **Motion by Commissioner Carmolingo, seconded by Commissioner Zischkau to approve**
32 **\$35,243.85 for the screening softball field at Dupont Lakes Park and the money should be**
33 **taken out of the General Fund.**

34
35 Mr. Moore stated staff had not received anything formally in writing from Wendy's regarding
36 their participation in the cost of the netting. He stated Wendy's had denied liability by posting
37 signs on the property which say "Park at your own risk" and there had not been any injuries on site
38 but, there have been two (2) insurance claims for side windows of vehicles both of which were
39 under \$400.

40
41 Commissioner Deyette asked if the City spends the money on the netting would there be another
42 use for it if the players move to a different location to play ball. Mr. Moore replied there is no
43 other use for the netting.

44
45 Commissioner Zischkau stated the motion is a good idea because there are people who have an
46 interest such as the players and the City has to look out for the innocent people in the Wendy's
47 parking lot regardless of who wants to pay for the netting.

Commissioner Treusch stated the players should use the restricted flight balls and the players should provide insurance to cover any damage they cause by hitting the balls over the fence.

Vice Mayor McFall-Conte stated it is up to the Commission to provide protection for the players and the patrons of Wendy's.

Mayor Mulder stated this expense is probably the cost of economic development but, he still does not know that the expenditure is justifiable in the name of creating an economic corridor in that area. Mayor Mulder stated the City set a president the day the City paid the first claim for any damages and Mr. Cooney replied that is an argument that would be made.

Commissioner Carmolingo asked if the restricted flight balls had been hit over the fence and Mr. Moore replied "yes" but, it was over centerfield instead of the left hand corner. Commissioner Carmolingo asked if the length in feet when the ball is hit in a different direction would have traveled the same distance and Mr. Moore replied in some cases, yes.

Motion carried with members voting as follows:

Commissioner Carmolingo	For
Commissioner Denizac	Against
Commissioner Deyette	Against
Commissioner Treusch	Against
Commissioner Zischkau	For
Vice Mayor McFall-Conte	For
Mayor Mulder	For

D. Discussion re: City's expenses in conducting tours of City facilities (requested by Commissioner Zischkau).

Commissioner Zischkau stated he is concerned that Mayor Mulder's daycare facilities were getting preferential treatment by being invited to spend the day riding City equipment but, that there had not been any publicity or notice to the public that tours were available for the children of Deltona and not just the kids of Mayor Mulder's daycare facility. He asked if there had been any other groups that had the benefit of having a day where the kids were able to use and participate in touring the City's heavy construction equipment. Ms. Miller replied there have been other groups present at City Hall with equipment like a fire truck, other public works equipment, animal control trucks, and tours are also conducted at the fire stations and other facilities. She stated some of the groups which have toured City Hall included the Citizens Accessibility Advisory Sub-Committee, middle school ESE students, Reading Edge Academy, Deltona Summer Recreation, Girl Scout Troops, home school groups, Youth for Positive Change and United Methodist Children's Home. She stated the requests come in as telephone or email requests and there is not a lot of documentation because it has been a policy to do the tours.

Commissioner Zischkau asked what the cost of the tours was and which budget was charged for the expenses. Ms. Miller stated there is no extra cost that is charged to a particular department, it is staff that is on duty during their normal work day, it is not overtime, and staff does not charge

1 the City for the equipment.

2
3 Mayor Mulder stated the tour that is being referenced was more than one group of kids and 80% of
4 the kids that were present were not clients of the daycare. He stated he is not a stakeholder,
5 shareholder or principal of the daycare company, the tours are handled informally and he usually
6 tries to participate in them. He stated there is definitely a cost for things like the goodie bags
7 which contain coloring books, the "I Love Deltona" pins and the plastic helmets handed out by the
8 Fire Department.

9
10 Commissioner Treusch stated he had talks to elementary schools about touring City Hall or
11 Veterans Memorial Park and helping educate students regarding the differences between a park
12 and a playground, the recycling program and educating students on how to use 911 properly which
13 all cost nothing.

14
15 Commissioner Carmolingo stated it does not matter what organization tours City Hall because
16 there are young people who need this type of exposure to see how the City operates.

17
18 Commissioner Denizac stated she does not have a problem with having fieldtrips at any of the
19 facilities but, there is no administrative procedure, form, guidelines, consent form or protocol for
20 having the tours and staff needs to take into consideration what is age appropriate.

21
22 Vice Mayor McFall-Conte stated this is political, the fieldtrips do not happen at City Hall every
23 day and they need to be welcomed. She stated it would be good if staff could keep track of the
24 fieldtrips better and she suggested that the City work with the Volusia County on a joint fieldtrip
25 to the Lyonia Environmental Center and City Hall.

26
27 Commissioner Denizac suggested that the tours should be handled by the Parks and Recreation
28 Department and a portion of the recycling revenues should be used to fund them. Vice Mayor
29 McFall-Conte reminded the Commission that the recycling funds go toward the William S.
30 Harvey Scholarship Awards and she would not support taking any funds from that.

31
32 Mayor Mulder suggested allowing the City Manager, City Attorney and Parks and Recreation
33 Director to determine what works best and what protects the City and Commissioner Denizac
34 agreed.

35
36 **E. Add-On Agenda Item – Presentation by Mayor Mulder re: Property Taxes.**

37
38 Mayor Mulder gave a brief presentation on the City of Deltona performance update and proposal
39 which included residential property tax elimination, Amendment One, residential home values,
40 residential property values, the impact of "Save Our Homes", per capita taxable value, property tax
41 revenues, a proposal for annual incentive program, evaluating actual performance, typical millage
42 breakdown and actual fund balances by year from 2000 to 2009.

43
44 Vice Mayor McFall-Conte exited the meeting at 10:50 p.m.

45
46 Mayor Mulder asked the Commission to give him the opportunity to work with the City Attorney,
47 City Manager and Finance Director on bringing an incentive policy proposal forward to the

Commission for adoption or denial. He stated he would like to work on a couple of options with staff and present them to the Commission.

Commissioner Denizac questioned who did the research for the presentation and Mayor Mulder replied a number of people worked on it and he worked on it for a number of months.

Commissioner Denizac suggested allowing the Commission more time to look over and discuss the presentation.

Commissioner Deyette stated the Commission should continue to work on things like this and Commissioner Treusch agreed to have a workshop to discuss it further.

Mayor Mulder stated he would see when the item could go on a workshop to field more questions and he would work on a more solid proposal.

11. CITY COMMISSION COMMENTS:

a) Commissioner Zischkau stated he has a problem with Mayor Mulder telling the Commission in the spring of each year that the City's budget is in great shape but, by the summer time each year he states property taxes need to be raised. He stated there was a 31% increase in the millage rate and the year before that it was 26.5%. He stated the budget was so bad a couple of years ago that the Commission decided to cut roughly eight (8) out of 87 deputies which was not justified when the City is spending money on less important things. He stated he did not know where the proposed incentive program is going but, it seemed like the same political ploy as seen the last two (2) years.

b) Commissioner Zischkau stated he is concerned regarding using City employees and City equipment to entertain Mayor Mulder's daycare clients. He stated a couple of the Commissioners called this issue political but, he would call it a cover up by the City Manager. He stated the City Manager sends out a Weekly Report with a very detailed accounting of lots of small matters and as being the former City Clerk she keeps very meticulous records. He stated the City Manager this evening stated she does not keep records of the use of City employees or City property to benefit the daycare business that Mayor Mulder used to boast about owning. He stated a year later the Mayor states he is not a stakeholder in the daycare business and he questioned if the Mayor was telling the truth a year ago or now. He stated the Mayor described tonight the daycare business as "us" when he said "there are no special privileges accorded to us". He stated he thinks the Mayor lets his candor and his desire to tell the truth show through as when he referred to the daycare business as "my company". He stated he thinks the City Manager should be censured for taking the City's heavy equipment out of service and using City employees salaried time to give a special benefit to Mayor Mulder's present or former daycare businesses and the same sort of thing happened when City equipment and employees were used to clear underbrush from in front of the daycare at the corner of Tivoli and Providence Blvds.

c) Commissioner Deyette thanked the City's volunteer Committees and she stated she appreciated the award ceremony. She stated the Citizens Accessibility Advisory Sub-Committee holds a special place in her heart. She stated back when she could not walk she went on a tour of the parks to see how things were working for the handicapped and she got a whole new appreciation

1 and respect for the handicapped.

2
3 d) Commissioner Deyette thanked the Parks and Recreation Department because on March 27th it
4 was a busy day with a lot of events and she was at the Wildflower Festival in Deland and Mr.
5 Moore made sure she had a table, tablecloth and tent for the event. She stated one of the
6 firefighters, Mike Maples, got her to the event at 6:00 a.m. where she was two (2) tables away
7 from the butterfly display and it was a marvelous time. She stated she ran out of materials on the
8 Lyonia Preserve and the amphitheatre by about 2:00 p.m. She stated people from the Orlando
9 and Sanford area wanted to find out more about the Lyonia Preserve, the amphitheatre, the All
10 Inclusive Playground, the business centers, the new fire station and upcoming events and Mr.
11 Moore supplied her with a map so she could provide directions to people.

12
13 e) Commissioner Carmolingo thanked the Parks and Recreation Department because the sports
14 fields are looking beautiful and he is so proud.

15
16 f) Commissioner Carmolingo stated it is the start of Music in the Amphitheatre and this week Joe
17 Mose will be there and he encouraged people to attend.

18
19 g) Commissioner Carmolingo thanked the Public Works Department for a great job of keeping the
20 roads clean.

21
22 h) Commissioner Carmolingo stated the City had to cut the budget and had to cut eight (8) deputies
23 which at the time the Volusia County Sheriff's Office (VCSO) said they did not need those
24 deputies. The VCSO asked for four (4) deputies and a Commissioner had pushed for eight (8)
25 deputies, so in order to rectify the budget the City had to cut all eight (8) deputies but, at the same
26 time the VCSO had admitted that the City gave them too many deputies which is the reason the
27 City did not have all eight (8) deputies.

28
29 i) about four (4) or five (5) years ago a Commissioner recommended hiring eight (8) more deputies
30 and when the City had to cut the budget the Commission cut the eight (8) deputies. He stated the
31 Volusia County Sheriff's Office stated eight (8) deputies were too many to cut for the size of the
32 City of Deltona. He stated the Commission owes it to the Sheriff's Office to hire two (2) more
33 deputies before the budget process begins. He stated he will bring this up at the next workshop
34 and if discussions turn out the way he thinks he would like to agenda the item on the next Regular
35 City Commission Meeting.

36
37 j) Commissioner Denizac stated she has noticed increased graphite on Elkcarn Blvd. where the new
38 Publix and Lowes are located. She stated she knows staff has been working with the owners of
39 the property but, she thinks there should be an increase in deputies patrolling that area.

40
41 k) Commissioner Denizac thanked staff for working on the flooding issue between Elkcarn and
42 Howland Blvds. but, she was surprised to see some flooding at Elkcarn and Lake Helen Osteen
43 Blvds.

44
45 l) Commissioner Denizac stated in the Orlando Sentinel there was an article that stated Florida
46 Hospital is definitely moving towards opening a clinic October, 2010 on State Road 415. She
47 stated she had a conversation with Joe Johnson who is excited to open this clinic and the intent is

1 to eventually have a full service hospital on State Road 415. She suggested that the Economic
2 Development Department needs to aggressively seek or attract industries and healthy businesses
3 in that area. She stated this should be the number one (1) priority and the ripple effect that comes
4 from a hospital is enormous and the City really needs to be actively trying to attract business to
5 come to the City that will feed off the clinic and will create higher paying jobs.

6
7 m) Commissioner Treusch stated he thinks the award given to Deputy Fire Chief Rogers was well
8 deserved and he is a great person in and outside the City.

9
10 n) Mayor Mulder stated he had a number of discussions with staff regarding doing an evaluation of
11 the organization having at least a level of ability to self-insure because if the City is paying
12 somewhere around \$800,000 for the City's liability insurance that covers everything to operate as
13 a City over 15 years \$800,000 to \$1 million seems really high. He stated in other words if the
14 City were to settle a couple of lawsuits for \$1 million in two (2) years the City would still be
15 ahead. He stated an evaluation needs to be done and even if the City takes the money it is paying
16 and puts it in a self-insured type of account he thinks the City would come out far better in years
17 to come. He stated it seems to him that it would make simple sense based on what the City pays.
18 He stated he would like to have someone look into what the City paid over the last 15 years and
19 what the insurance payouts have been.

20
21 o) Mayor Mulder stated he agreed with Commissioner Denizac regarding the State Road 415 area.
22 He stated he thinks the City Manager and the Development Services Department need to look for
23 ways to get those properties not in Deltona in Deltona and annex what needs to be annexed. He
24 stated he thinks everyone would like to see a hospital within the City limits which would add
25 value to the community long term.

26
27 p) Mayor Mulder stated he hoped everyone had a great Easter. He stated he had at least one thing to
28 be thankful for in the political realm of what is his job which was that facts do not lie, anyone can
29 look at the budget and see what the City's tax revenues have been over the last three (3) years and
30 know that it has declined. He stated the City has collected less property tax both residential and
31 non-residential for some time or kept it flat with the rollback rate. He stated when someone sees
32 bars on a graph that are dollars and cents and a line that goes straight across and there is a political
33 argument within five (5) minutes that the Commission raised everyone's taxes 30% he stated he
34 just does not think that kind of record matches the rhetoric that is going on and he is thankful that
35 transparency has come to fruition in such short order in the way it did tonight.

36
37 **12. CITY ATTORNEY COMMENTS:**

38
39 **13. CITY MANAGER COMMENTS:**

40
41 Ms. Miller stated the Commission asked for an update at every meeting on Fire Station 65 and
42 Deputy Chief Rogers has been following the FEMA funding. She stated there is no date for round
43 three (3) but, Deputy Chief Rogers did receive a call from Homeland Security today who is
44 administering the grant program for Congress and they advised that they are waiting on Congress
45 to approve the release of the final 10% of the grant funds so the City is still waiting to hear on its
46 application for grant money.

1 Mayor Mulder asked if the decision is made after the grant money is released from Congress and
2 Ms. Miller replied once it is released from Congress when and if they receive this approval then
3 they will develop the third round of awards with the \$21 million that is left.

4
5 Mayor Mulder asked who the closest recipient of the grant money to the City was and Ms. Miller
6 replied Edgewater. Deputy Chief Rogers stated Edgewater was the only City in Volusia County
7 that has received it. Mayor Mulder asked if the bulk of it was new construction and Deputy Chief
8 Rogers replied it is about half and half.

9
10 Ms. Miller stated the Neighborhood Stabilization Program (NSP) update is scheduled as a
11 workshop topic but, there has been updates in the Weekly Report showing the City had closed on
12 11 properties and there are 12 more scheduled to close this month.

13
14 Ms. Miller asked if the Commission wanted to discuss the public market and Mayor Mulder
15 suggested it could be discussed at the next workshop.

16
17 **14. ADJOURNMENT:**

18
19 There being no further business, the meeting adjourned at 11:23 p.m.

20
21
22
23
24 **ATTEST:**

Dennis Mulder, MAYOR

25
26
27 _____
28 **Joyce Kent, CITY CLERK**
29